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Attorneys for Defendants Chicago Title
Insurance Company
Federal Bar No.: MO-7088

DARE INVESTMENTS, LLC, a Utah limited
liability company,

Plaintiff,

vs.

CHICAGO TITLE INSURANCE COMPANY, a
Missouri domiciled insurer; HORIZON TITLE
AGENCY, Inc., a New Jersey domiciled company,

Defendants.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Case Action No.2:10-CV-06088(DRD)(MAS)

**CERTIFICATION OF MICHAEL R.
O'DONNELL, ESQ. IN FURTHER
SUPPORT OF CHICAGO TITLE
INSURANCE COMPANY'S MOTION FOR
REVOCATION OF PRO HAC VICE
ADMISSIONS AND DISQUALIFICATION
OF COUNSEL**

**MOTION RETURN DATE:
JANUARY 17, 2012**

I, MICHAEL R. O'DONNELL, hereby certify as follows:

1. I am an attorney-at-law admitted to practice in the United States District Court for the District of New Jersey and am a partner of the law firm of Riker, Danzig, Scherer, Hyland & Perretti LLP, attorneys for Chicago Title Insurance Company ("Chicago Title") in the above-captioned matter. As such, I am fully familiar with the facts stated herein based upon personal knowledge and review of documents. I make this certification in further support of Chicago Title Motion for Revocation of Pro Hac Vice Admissions and Disqualification of Counsel.

2. I have reviewed the January 13, 2012 brief submitted by Dare Investments, LLC ("Dare") and submit this certification to rebut certain factual inaccuracies contained therein

relating to a conversation I had with Gordon Duval on December 21, 2011 and the reason for Chicago Title's filing the instant motion.

3. First, while completely irrelevant to the merits of this motion, Dare's uncertified recitation of the conversation I had with Mr. Duval on pages 22-23 of its brief [Doc. 84], does not conform with my recollection of that conversation.

4. More importantly, Dare's argument that Chicago Title filed the instant motion to revoke the pro hac vice admission of Dare's counsel and to disqualify local counsel as a result of my conversation with Mr. Duval is completely false and wholly rebutted by documentary evidence.

5. Attached hereto as Exhibit A is a true and complete copy of the redacted call log from my office telephone.

6. As shown by the attached telephone records, I spoke with Gordon Duval on December 21, 2011. I called him at 5:27 p.m. and he returned my call at 5:47 p.m. See Exhibit A attached hereto.

7. Chicago Title filed its pending motion on December 21, 2011 at 11:55 a.m., more than 5 hours before I spoke with Mr. Duval.

8. Further, during a status call with Judge Shipp on December 19, 2011, I advised the Court that Chicago Title planned on filing this motion, and was given permission to do so.

9. Therefore, it is completely false to suggest that Chicago Title filed this motion as a result of my conversation with Mr. Duval, when this motion was, in fact, filed before that conversation occurred.

10. Moreover, on page 6 of Dare's brief [Doc. 84] as well as Paragraph 28 of the Certification of Peter Strojnik [Doc. 84-1], Mr. Strojnik states that he advised me personally that

he was being suspended by the Supreme Court of the State of Arizona. This is not true. At no time did Mr. Strojnik tell me that he was being suspended by the Supreme Court of the State of Arizona from the practice of law. Mr. Strojnik simply wrote me a letter, dated November 17, 2011, indicating that he was “tak[ing] this opportunity to suspend [his] practice for 30 days and thus resolve some festering issues with the Arizona State Bar.” See Nov. 17, 2011 Strojnik Sr. Letter attached as Exhibit 16 to my December 21, 2011 Certification [Doc. 67-4].

11. Attached hereto as Exhibit B is a true and complete copy of the Application for Appearance Pro Hac Vice in Arizona State Court. This form was obtained from the State Bar of Arizona Website at <http://www.azbar.org/membership/admissions/admissionprohacvice>.

12. Attached hereto as Exhibit C is a true and complete copy of the Application for Appearance Pro Hac Vice in U.S. District Court for the District of Arizona.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: January 17, 2012

/S/ MICHAEL R. O'DONNELL
MICHAEL R. O'DONNELL

Exhibit A

Excel®

[Call Detail by Organization Report]

Riker Danizg

Search
CriteriaTop Level
of ReportPrevious
Level of
Report

1/13/2012 12:09:31 PM

Page 1 of 1

Department Name: MORRISTOWN Personnel Name: O'DONNELL, MICHAEL

Start Date/TimeDurationDialed NumberCall DestinationCall TypeCostExtension
Used

REDACTED

REDACTED

REDACTED

12/21/2011 5:27:18 PM	0:00:42	1-801-763-0155	AMERICANFK, UT	National	\$0.05	8476
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REDACTED

12/21/2011 5:47:12 PM	0:04:48	801-763-0155	AMERICANFK, UT	Incoming	\$0.00	8476
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REDACTED

Exhibit B



Attn: Pro Hac Vice Dept
4201 N. 24th St., Ste 200
Phoenix, AZ 85016-6288
Phone: 602-340-7239

For Official Use Only

App# _____

Bar Number# _____

Application for Appearance Pro Hac Vice

PART I: Applicant Information

Name of Applicant: _____

Firm/Company Name: _____

Office Address: _____

Telephone: _____ Fax: _____ Email Address: _____

Residence Address: _____

Title of cause or case where applicant seeks to appear: _____

Docket Number: _____

Court, Board, or Administrative Agency: _____

Party on whose behalf applicant seeks to appear: _____

Pursuant to Arizona Supreme Court Rule 38(a)(4), the applicant shall complete the information below:

Courts to Which Applicant Has Been Admitted:
(Attach additional pages if necessary)

Date of Admission:

Bar Number:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

☐ Applicant is a member in good standing in such courts.

☐ Applicant is not currently disbarred or suspended in any court.

Applicant ☐ is / ☐ is not (**select one**) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Ariz. R. Sup. Ct., Rule 38(a) in the following:

Title of Matter:	Docket #:	Court or Agency:	App Granted? (Y/N)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This case or cause ☐ is / ☐ is not (**select one**) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause.

If applicable, please provide related or consolidated matter application or docket# _____

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PART II: Local Counsel Information

Name of Arizona Local Counsel: _____

State Bar of Arizona Number: _____

Address: _____

Telephone: _____ Fax: _____ Email Address: _____

☐ Local Counsel is a member in good standing.☐ Local Counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to court, board, or administrative agency in that particular cause.**PART III: Parties and Certification**

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

☐ Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.☐ Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Ariz. R. Sup. Ct. Rule 46(b).
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF _____)

County of _____) ss.

I, _____, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: _____

Applicant's Signature: _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____, by

Name of Applicant_____
Notary Public

Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Plaintiff(s)/Petitioner(s),
vs.

CASE NO:

Application of Attorney For Admission To Practice Pro Hac
Vice Pursuant to LRCiv 83.1(b)(3)

Defendant(s)/Respondent(s)

NOTICE: \$50.00 APPLICATION FEE REQUIRED!

I, _____, hereby apply to the Court under LRCiv 83.1(b)(3) for pro hac vice admission

to appear and practice in this action on behalf of _____.

City and State of Principal Residence: _____

Firm Name: _____

Address: _____ Suite: _____

City: _____ State: _____ Zip: _____

Firm/Business Phone: () _____

Firm Fax Phone: () _____ E-mail Address: _____

I am admitted to practice before the following courts. (attach additional sheets if necessary)

TITLE OF COURT

DATE OF ADMISSION

IN GOOD STANDING?

☐ Yes ☐ No*

☐ Yes ☐ No*

☐ Yes ☐ No*

* Explain:

(An Original Certificate of Good Standing from a **FEDERAL BAR** in which an applicant has been admitted dated no more than 45 days prior to submission of this application is required.)

I have concurrently, or within 1 year of this application, made *pro hac vice* applications to this Court in the following actions (attach additional sheets if necessary):

Case Number

Title of Action

Date Granted or Denied*

* Explain:

ALL APPLICANTS ARE REQUIRED TO ANSWER THE FOLLOWING QUESTIONS.

If you answer YES to either of the following questions, please explain all circumstances on a separate page.

Are you currently the subject of a disciplinary investigation or proceeding by any Bar or Court?

☐ Yes ☐ No

Have you ever been disbarred from practice in any Court?

☐ Yes ☐ No

I declare under penalty of perjury that the foregoing is true and correct; that I am not a resident of, nor am I regularly employed, engaged in business, professional or other activities in the State of Arizona; and that I am not currently suspended, disbarred or subject to disciplinary proceedings in any court. I certify that I have read and will ascribe to the Standards for Professional Conduct, and will comply with the Rules of Practice of the United States District Court for the District of Arizona ("Local Rules"), and will subscribe to receive court notices as required by LRCiv 83.1(c).

Date

Signature of Applicant

Fee Receipt # _____

(Rev. 03/11)